

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 8, MONTANA OFFICE**  
**FEDERAL BUILDING, 10 West 15<sup>th</sup> Street, Suite 3200**  
**HELENA, MONTANA 59626**

Ref: 8MO

October 15, 2008

Mr. Richard M. Hotaling  
BLM Butte Field Office Manager  
106 North Parkmont  
Butte, MT 59701-3388

Re: CEQ # 20080366, Butte Resource  
Management Plan and Final EIS

Dear Mr. Hotaling:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the final Butte Resource Management Plan (RMP) and associated final Environmental Impact Statement (FEIS) in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. 4231 and Section 309 of the Clean Air Act.

The EPA appreciates receipt of responses to our DEIS comments, and to the comments of other agencies and the public. We also want to thank you for clearly identifying changes and information added to the RMP/EIS between the draft and final documents (by shading new or changed information).

We are pleased that several changes have been made, and/or additional information included in the RMP/FEIS in response to EPA's DEIS comments (e.g., modify language in water resources goal; reference Montana Nonpoint Source Management Plan in Appendix E; added information on water quality impairments; added language to Appendix M regarding exceptions, modifications or waivers and use of BMPs and spills and leaks in regard to oil and gas leasing; included additional travel management prescriptions; adding information on climate change; etc.). In addition, we appreciate inclusion of the many informative Appendices in the RMP/FEIS (e.g., Appendix A-Travel Planning; Appendix E- Best Management Practices; Appendix F- Land Health Standards; Appendix G-Wildlife; Appendix M-Fluid Minerals; Appendix N- Implementation and Monitoring); and are pleased that the BLM would continue to coordinate and cooperate with the Montana Dept. of Environmental Quality in the development of Water Quality Plans, Total Maximum Daily Loads, and Source Water Protection Plans.

The final RMP/FEIS identifies Alternative B, emphasizing moderate resource protection, use, and restoration, as the preferred alternative. While we recognize that public land management involves balancing of trade-offs among land uses, resource development, and environmental impacts, we continue to recommend that you consider some revisions to

Alternative B. We support revising Alternative B to include the improved riparian area protections of Alternative C, which mirror the Forest Service's Inland Native Fish Strategy. The riparian protections are more protective of stream resources and promote recovery of native fish populations and are needed where there are important native fish populations that need protection and/or recovery, especially threatened bull trout, and for waters with populations of native westslope cutthroat trout, Yellowstone cutthroat trout, arctic grayling and Class 1 fisheries. We also want to indicate that we consider Alternative C to be the environmentally preferred alternative.

We also recommend that the adverse effects of the expansion of motor vehicle use on BLM lands be addressed more aggressively with Alternative B. Public recreational demand and access has increased significantly in recent years, and motorized uses and roads in many cases have caused increased damage to aquatic and terrestrial resources. Demand for recreation opportunities on public land may be exceeding the capability of the land and resources to provide recreation in a manner that is consistent with resource and ecosystem protection. Newer motorized vehicles such as trail bikes, ATVs and snowmobiles can access areas much further into public lands than they could historically, forcing wildlife onto smaller and smaller patches of habitat, fragmenting habitat and migration corridors, affecting wildlife behavior and life history functions, adversely affecting wildlife security and increasing wildlife mortality; and causing soil erosion and adverse effects to water quality, aquatic habitat and fisheries; increasing dust emissions to air; and spreading weeds. We believe these adverse effects need to be addressed more aggressively with additional restrictions on motorized uses in sensitive areas and during sensitive seasons, and additional road closures and road decommissioning.

Also, we consider enforcement of travel restrictions to be an important aspect of protecting water quality, fisheries, wildlife, and other sensitive resources. The RMP/FEIS states that policing and enforcement is beyond the scope of the RMP/FEIS. Restrictions on motorized travel will not be effective in protecting sensitive resources without adequate enforcement. We believe the ability of the BLM to enforce restrictions that protect the environment in light of the expanding motorized uses is an important aspect of travel management, and should be addressed in the NEPA evaluation of travel management in the RMP/EIS. We believe enforcement of travel and access limitations needed for protection of resources should be within the scope of the RMP/FEIS travel management evaluation.

We are concerned about the adequacy of resources to police and enforce travel restrictions necessary for protection of the environment. We support adding law enforcement personnel to handle the increases in motorized uses that are occurring. We particularly recommend increasing enforcement officer contact with off-road vehicle users and those violating motorized access restrictions on closed roads and trails; and increasing enforcement staffing on holidays and weekends, when much illegal motor vehicle use occurs. The BLM should develop and fund an effective enforcement strategy to assure that increasing motorized uses do not violate motorized access restrictions.

The RMP/EIS should also better disclose road drainage/BMP conditions on the existing BLM road network, particularly roads that may have poor drainage or erosive conditions that may be contributing to water quality and fisheries impacts, and roads which fragment and adversely impact important wildlife habitat. We are concerned about the resources available to adequately maintain roads and reduce road impacts to water quality and fisheries. We believe the RMP should include a greater commitment to reduce the road maintenance backlog, and state that roads which cannot be properly maintained should be considered for closure, with natural landscapes and drainages restored (i.e., culverts removed). Roads that impact water quality, fisheries and/or sensitive and listed wildlife species should be prioritized for closure and obliteration to maximize ecological benefits. Road networks should be limited to those that are necessary for access and management, and which can be adequately maintained within agency budgets and capabilities. We also recommend road obliteration or full road recontour as a preferred method of road closure, since it is often difficult to effectively restrict motorized access and protect public lands with simple gated road closures.

Finally we want to thank you for including a new Appendix N on Implementation and Monitoring with the RMP. It is through the iterative process of setting goals and objectives, planning and carrying out land management, and monitoring impacts of land management, and feeding back monitoring results to managers, that monitoring and adaptive management works. For example, if monitoring shows that motor vehicle use is causing adverse effects on water quality, soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources it is important that the monitoring information be provided to managers so that necessary actions to close the roads or trails or otherwise mitigate adverse effects can be taken.

The EPA appreciates the opportunity to review and comment during the NEPA review process for the RMP/EIS. If you have any questions please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at 406-329-3313. Thank you for your consideration.

Sincerely,

/s/

John F. Wardell  
Director  
Montana Office

cc: Larry Svoboda/Connie Collins, EPA 8EPR-N, Denver  
Robert Ray/Mark Kelley, MDEQ, Helena